



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

January 18, 2006

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The Honorable Patti B. Saris
United States District Court for the
District of Massachusetts
U.S. Courthouse
One Courthouse Way, Suite 2300
Boston, MA 02210

Re: Civil Action No. 02-9236 & 03-5425

Dear Judge Saris:

The Commonwealth of Pennsylvania, which previously had been granted Intervenor status for the purpose of being heard on a Motion to Certify Class in this matter has been provided a copy of the Plaintiff's Memorandum in Opposition to the Joint Memorandum of the Attorneys General of Illinois, Kentucky, Wisconsin and Idaho regarding Plaintiff's Motion for Class Certification. Because you had previously given us the opportunity to weigh in on this issue at a hearing you held on February 10, 2005, we wanted to make you aware of our position with regard to the Brief.

We are in support of the position expressed by the Plaintiffs in this case that it is inappropriate, at this time, for this Court to select a superior representative for consumers. Although we had originally argued in our filing with this Court that the Court should appoint the Attorneys General as superior representatives, we agreed at the hearing a year ago that such an election was premature at this time. We continue to hold that view.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Donahue, III".
James A. Donahue, III
Chief Deputy Attorney General
Antitrust Section

JADIII/dmh/Saris.ltr

cc: Counsel of Record
Counsel for Illinois, Kentucky Wisconsin & Idaho